

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO.23-80101-CR-CANNON

UNITED STATES OF AMERICA

v.

CARLOS DE OLIVEIRA
Defendant.

/

**DEFENDANT CARLOS DE OLIVEIRA'S NOTICE OF JOINING
CO-DEFENDANTS' PRETRIAL MOTIONS**

Pursuant to the Court's February 20, 2024, Order requiring that all pre-trial motions be filed on an individual basis (ECF No, 320), Defendant Carlos De Oliveira hereby notifies the Court that he adopts the legal positions set forth in the following pre-trial motions filed through ECF and sent electronically to Chambers on February 22, 2024.¹

Mr. De Oliveira joins in Donald J. Trump's Motion to Dismiss the Superseding Indictment because the Special Counsel's appointment and operations violate the Appointments Clause and the Appropriations Clause of the Constitution

¹ The instant notice is being filed on February 23, 2024, because the pleadings at issue were transmitted late in the evening on February 22, 2024. To the extent that the Court requires leave to file the instant notice past the February 22, 2024, pre-trial motions deadline, undersigned counsel respectfully requests that permission.

(ECF No. 326). Mr. De Oliveira agrees that the invalidity of the Special Counsel's authority and appropriations require dismissal of the Superseding Indictment as to all defendants.

Mr. De Oliveira joins in Donald J. Trump's Motion to Dismiss the Superseding Indictment pursuant to the Presidential Records Act (ECF No. 327). Mr. De Oliveira joins in the arguments contained therein as a basis for dismissing the Superseding Indictment. Mr. De Oliveira further submits that the Conspiracy in Count 33 should be dismissed because it fails to allege a criminal act. *See United States v. Oviedo*, 525 F.2d 881, 883 (11th Cir. 1976) ("[l]egal impossibility occurs when the actions which the defendant performs or sets in motion, even if fully carried out as he desires, would not constitute a crime").

Mr. De Oliveira joins in Donald J. Trump's Motion to Dismiss the Superseding Indictment based on selective and vindictive prosecution, which was submitted directly to Chambers. Mr. De Oliveira agrees that the facts and arguments articulated in the motion require dismissal of the Superseding Indictment as to all defendants.

Mr. De Oliveira joins in Donald J. Trump's Motion to Dismiss the Superseding Indictment based on prosecutorial misconduct resulting in due process violations and grand jury abuses, which was submitted directly to Chambers. Mr. De Oliveira agrees that the facts and arguments articulated in those aspects of the motion require dismissal of the Superseding Indictment as to all defendants. Because Mr.

Trump's arguments relating to pre-indictment delay do not apply to Mr. De Oliveira, Mr. De Oliveira does not join in that aspect of the motion.

In addition, Mr. De Oliveira joins in the following motions on behalf of defendant Waltine Nauta that were transmitted directly to the Court: Motion to Dismiss the Indictment (per Fed. R. Crim. P. 12), Motion for a Bill of Particulars, and Motion to Dismiss (re 18 U.S.C. §1512 vagueness). Mr. De Oliveira, having already adopted the motions discussed above, joins Mr. Nauta's Motion to Dismiss the Superseding Indictment for selective and vindictive prosecution insofar as it requests related additional discovery.

Dated: February 23, 2024

Respectfully Submitted

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 23, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which in turn serves counsel of record via transmission of Notices of Electronic Filing.